

BOARDS AND COMMISSIONS
Board of Barbering
(Amendment)

201 KAR 14:110. School equipment; plant layout.

RELATES TO: KRS 317.410, 317.440

STATUTORY AUTHORITY: KRS 317.430, 317.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(b) requires the board to promulgate an administrative regulation regarding the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. This administrative regulation establishes the barber school equipment and plant layout requirements.

Section 1. Each barber school shall send the board a certificate from the zoning commission and a certificate from a licensed electrician or electrical firm showing the electrical equipment to be properly installed, properly grounded, and in safe operating condition.

Section 2. Barber schools shall be completely equipped with standard tonics, dyes, tints, bleaches, shampoos, cosmetics, permanents, etc., all electrical devices and other equipment for the proper instruction of students, as well as with equipment and supplies for sanitation and hygiene.

Section 3. Each barber school shall be located as entirely separate and without a connection to any beauty or barber shop or any other place of business.

Section 4. A barber school shall not be approved by this board having a space less than six (6) feet square for each student enrolled therein.

Section 5. All accredited barber schools shall have a suitable and separate room to be used for demonstration and study. The room shall have necessary charts and equipment to carry out the curriculum, including:

- (1) Sufficient charts, blackboards and whiteboards, etc., to teach all subjects of barbering; and
- (2) Sufficient classroom chairs with armrests, or desks, that will enable the student to take notes.

Section 6. Every barber school shall maintain a separate lavatory and toilet for male and female students.

Section 7. All barber schools shall comply with city and state building codes and zoning commission codes; the board shall be notified upon any changes made to the physical layout of a school.

Section 8. Lockers, dressing rooms, and restrooms shall be provided.

Section 9. Booths and partitions in the work department shall be sufficiently low to permit the observation of students while they are working.

Section 10. A school of barbering shall not be approved by the board having less than the following equipment:

(1) Shampoo bowls with hot and cold running water to be located in the room where barbering is done; one shampoo bowl per every ten (10) students enrolled;

(2) Dryers;[

~~(3) Manicure tables;~~

~~(4) A liquid sterilizer on each manicure table;]~~

(3) [(5)] Hair cutting chair;

(4) [(6)] Wall plates;

(5) [(7)] Covered waste containers;

(6) [(8)] Individual paper towels; and

(7) [(9)] Containers for the use of students.

Section 11. (1) Each barbering school shall furnish a supply or dispensing room in which each student may obtain actual experience for a period of one (1) to three (3) weeks, as indicated by the course of instruction. The student will be directly responsible to the owner for any damage incurred due to the student's negligence or willful destruction while working in the supply or dispensing room.

(2) Supply or dispensing and sterilization room equipment required for a barbering school, including:

(a) Supply of clean linens, neck cloths, etc.;

(b) Lavatory for washing all combs, instruments, containers, etc.;

(c) Bottles and containers in use shall be distinctly and correctly labeled;

(d) Wet sterilizer;

(e) Dry sterilizer;

(f) Manicuring sterilizer;

(g) Soap dispenser;

(h) Covered waste container;

(i) Cabinet for supply of clean linens;

(j) Covered containers for soiled linens;

(k) Cabinets for accessories;

(l) Paper towel dispenser or clean towel cabinet for every two (2) stations;

(m) Manicuring cups for preparation of solution from stock supplies; and

(n) Various solutions and preparations used.

Section 12. A barbering school licensed by the board prior to the effective date of this administrative regulation shall not be required to comply with the requirements of Sections 10(1) and 11(2)(l) of this administrative regulation.

JASON CROCKETT, Chair

APPROVED BY AGENCY: November 8, 2021

FILED WITH LRC: November 15, 2021 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 24, 2022, at 9:00 a.m., at Kentucky Board of Barbering. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administra-

tive regulation. Written comments shall be accepted through 11:59 p.m. on January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher D. Hunt

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the barber school equipment and plant layout requirements.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to satisfy statutory requirements for schools and facilities where students and the public are served.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 317.440(1)(b) requires the board to promulgate an administrative regulation regarding the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides a structure for a student to retake an exam after failure and establishes parameters for anyone who chooses to retake the exam.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes several obsolete items and requires additional items for schools to aid in teaching and better serve the public. It also requires schools to report physical changes in their facilities.

(b) The necessity of the amendment to this administrative regulation: This amendment removes archaic items no longer necessary and allows new aids to instruct students and better serve the public. It will make it easier to inspect and enforce local state and codes.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms with the requirement of KRS 317.440(1)(f) requires the Board of Barbering to promulgate administrative regulations pertaining to exam requirements.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will clarify language used and provide continuity throughout administrative regulations. This will in turn make the administration of regulations more efficient.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects approximately 4,550 license holders, in the following categories: master barbers, apprentice barbers, student barbers, barber instructors, barber schools, and barber shops. This administrative regulation will also affect future license applicants.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No action will be required of current license holders. The requirement for obtaining a new license.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost anticipated for compliance with the amended language.

(c) As a result of compliance, what benefits will accrue to the entities: License holders will benefit from a clearer, more concise description of their responsibilities when retaking exams for licensure.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: None – not applicable to this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any new fees, nor does it alter or increase existing fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Barbering.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317.450(3); KRS 317.440.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. The Board of Barbering is the only agency that would be directly impacted by this regulation. There are no expected impacts on expenditures or revenue, as the agency already employs inspectors, who determine compliance with all applicable regulations on their inspection visits. The only possible revenue would be from fines associated with failures to comply with the administrative regulation. This revenue would be variable and negligible.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? \$0-\$500.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? \$0-\$500.

(c) How much will it cost to administer this program for the first year? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

(d) How much will it cost to administer this program for subsequent years? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: NA